



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Loftus )  
Application No.: 09/541,162 ) Examiner: R. Pezzuto  
Filing Date: March 31, 2000 ) Art Unit: 3671  
For: Retrofit Chain Sickle Cutter )

Reissue of U.S. Pat. No. 5,845,474 issued December 8, 1998 from 08/928,829

SECOND SUPPLEMENTAL DECLARATION AND POWER OF  
ATTORNEY FOR REISSUE APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JAN 05 2004  
GROUP 3600

Sir:

I, Thomas E. Loftus, hereby declare and say that:

1. I, Thomas E. Loftus, believe that I am the original, first and sole inventor of the subject matter that is described and claimed in United States Patent Number 5,845,474 (hereinafter the "'474 patent") that was granted to me on December 8, 1998. My residence is the same as my post office address and is set forth as follows together with my name and citizenship:

Name: Thomas E. Loftus  
Residence: 224 Country Road O-East, Ivesdale, Illinois 61851  
P.O. Address: same as above  
Citizenship: United States

2. I, Thomas E. Loftus, believe that I am the original, first and sole inventor of the subject matter that is claimed in claim 1 and is described in the '474 patent, and for which invention I solicit a reissue patent. I hereby state that I have reviewed and understand the contents of the above-identified specification, including claim 1 referenced above.

3. I, Thomas E. Loftus, acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

4. I, Thomas E. Loftus, hereby claim domestic priority benefits under Title 35, United States Code, Section 120 of the following U.S. patent application Ser. No. 08/641,505 filed May 1, 1996, now U.S. Pat. No. 5,732,539, issued March 31, 1998.

5. I, Thomas E. Loftus, believe that the original '474 patent is partly inoperative because I inadvertently claimed less than I had a right to claim in the issued '474 patent. I further believe that the '474 patent is partly inoperative due to a number of errors all of which were committed without any deceptive intent. This reissue application is based on the error that, for example, issued claim 1 contained in the original '474 patent is unnecessarily narrow in that it claims:

1. A chain assembly for a cutting and mowing apparatus, comprising a plurality of chain members, a plurality of knife members, and a plurality of link members, wherein

(a) each of said chain members is flat, elongated and substantially rectangular in shape with an orifice therethrough adjacent each end thereof,

(b) each of said knife members is flat and is shaped in the form of a substantially triangular portion with two sharp cutting edges and a substantially rectangular portion, said rectangular portion being identical in shape to said chain member and having an orifice therethrough adjacent each end thereof for alignment with said orifices in one of said chain members,

(c) each of said link members is substantially rectangular in shape and has an orifice therethrough adjacent each end thereof,

(d) said chain members and knife members are positioned in pairs each consisting of a chain member and a knife member parallel to one another and spaced from one another with their respective orifices in alignment,

(e) adjacent pairs of said chain and knife members are linked to one another by one of said link members with one of its orifices in alignment with said orifices of one of said pairs and with the other of its said orifices in alignment with said orifices of an adjacent one of said pairs, and

(f) each of said knife members, including at least one slot therethrough between said triangular portion and said rectangular portion, whereby said triangular portion may be broken away from said rectangular portion.

instead of claiming, as stated in claim 2 as amended in the amendment submitted herewith:

2. A chain assembly comprising at least one chain member, at least one knife member, and at least one link member, wherein:

(a) said at least one chain member having at least one orifice therethrough;

(b) said at least one knife member including a blade portion and mount portion, said mount portion having at least one orifice therethrough;

- (c) said at least one link member having at least one orifice therethrough;
- (d) said at least one chain member and at least one knife member are positioned in pairs comprising a chain member and a corresponding knife member with at least one of their respective orifices in alignment; and
- (e) adjacent ones of said chain and knife members are linked to one another by one of said link members, and at least one of each of said chain and knife member respective orifice being in alignment with said at least one orifice of the said link member.

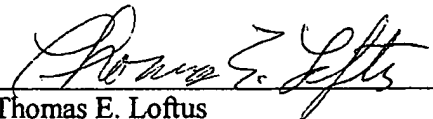
I further believe that all errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on anyone's part.

6. I, Thomas E. Loftus, hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

7. I, Thomas E. Loftus, hereby request that all correspondence and telephone calls concerning this reissue application be directed to:

Brian C. Rupp, Esq.  
Gardner, Carton & Douglas,  
191 N. Wacker Drive, Suite 3700,  
Chicago, Illinois 60606  
Telephone No. (312) 569-1480  
Facsimile No. (312) 569-3480

8. I, Thomas E. Loftus, hereby declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Thomas E. Loftus

12-18-2003  
Date